

NOTICE OF ALLEGATIONS

to

Jake Morton

Basketball Allegations

10. [NCAA Bylaws 13.01.2, 13.2.1, 13.5.2.6, 13.6.8, 13.8.1 and 13.8.2]

It is alleged that between October 2008 and April 2009, Jake Morton (Morton) and Jorge Fernandez (Fernandez), then assistant men's basketball coaches, allowed Nevin Shapiro (Shapiro), a representative of the institution's athletics interests, to promote the institution's athletics programs and to assist the institution in the recruitment of three men's basketball prospective student-athletes. In order to help facilitate Shapiro's involvement, Morton and Fernandez also provided impermissible inducements in the form of transportation and entertainment to individuals associated with the prospective student-athletes. Specifically:

- a. On October 4, 2008, Morton and Fernandez arranged for Shapiro to have in-person, off-campus recruiting contact in Shapiro's suite at Dolphin Stadium during a home football game with Marlon Williamson (Williamson), the nonscholastic boys' basketball coach of then men's basketball prospective student-athlete Donovan Kirk, while Williamson was visiting the locale of the institution. [NCAA Bylaws 13.01.2, 13.2.1 and 13.8.1]
- b. On October 26, 2008, Morton and Fernandez arranged for Shapiro to have in-person, off-campus recruiting contact with Mo Hicks (Hicks) and Howard Dwayne Mitchell (Mitchell), two high school coaches accompanying then men's basketball prospective student-athlete Durand Scott (Scott), at Shapiro's home and at a local nightclub during Scott's official visit to the institution. In addition, Morton and Fernandez provided impermissible inducements in the form of transportation and entertainment to Hicks and Mitchell during the visit. [NCAA Bylaws 13.01.2, 13.2.1, 13.5.2.6, 13.6.8 and 13.8.1]
- c. In April 2009, Morton arranged for Shapiro to have recruiting contact via telephone with Brian Clifton (Clifton), a nonscholastic coach of then men's basketball prospective student-athlete John Wall (Wall). Also, during the period of Wall's recruitment, Shapiro arranged to have in-person, off-campus recruiting contact with Clifton at the Bal Harbor Shopping Mall. In addition, Morton provided impermissible inducements in the form of transportation to Clifton during Wall's official visit to campus. [NCAA Bylaws 13.01.2, 13.2.1, 13.6.8, 13.8.1 and 13.8.2]

NOTICE OF ALLEGATIONS

Case No. M362

February 19, 2013

Page No. 2

12. [NCAA Bylaws 11.3.1 and 11.3.2.2]

It is alleged that between October 2007 and October 2008, Jake Morton (Morton), then assistant men's basketball coach, accepted supplemental income in the amount of at least \$6,000 from Nevin Shapiro (Shapiro), a representative of the institution's athletics interests.



CONFIDENTIAL/VIA ELECTRONIC MAIL

February 19, 2013

P.O. Box 6222
Indianapolis, Indiana 46206
Telephone: 317/917-6222

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

Chancellor Brady Deaton
University of Missouri, Columbia
105 Jesse Hall
Columbia, Missouri 65211

Dear Chancellor Deaton:

The purpose of this letter is to advise you that the NCAA enforcement staff has been reviewing information concerning possible violations of NCAA legislation in the men's basketball program at University of Miami (Florida). Frank Haith, head men's basketball coach at the University of Missouri, Columbia, was formerly employed as the head men's basketball coach at Miami (Florida). He was interviewed by the enforcement staff concerning his knowledge of or involvement in possible violations of NCAA legislation during his employment at Miami (Florida). The interviews were conducted in the presence of representatives from Miami (Florida).

As a result of the enforcement staff's review of available information, a notice of allegations, which includes specific allegations in the sport of men's basketball, has been forwarded to Donna Shalala, president of Miami (Florida). Mr. Haith has been named and is at risk for his involvement in Allegation No.14. A copy of this allegation and the cover letter sent to Mr. Haith are enclosed.

This letter is to inform you of Mr. Haith's alleged involvement in violations during his employment at Miami (Florida). Although there is no institutional responsibility on the part of Missouri for possible violations involving Mr. Haith, please be advised that action could be taken that would limit Mr. Haith's athletically related duties at Missouri for a designated period if he is found in violation by the NCAA Division I Committee on Infractions or the NCAA Division I Infractions Appeals Committee. In this regard, please review the provisions of NCAA Bylaws 18.4.2.1.1.2, 19.01.4 and 19.5.2.2-(I).

Representatives of Missouri will be provided an opportunity to attend the Committee on Infractions hearing when this case is considered during an upcoming meeting. You will be notified of the actual time, date and location well in advance of this meeting. Please contact Stephanie Hannah, NCAA director of enforcement, of this office (who is supervising the handling of this case) if you have any questions.

N a t i o n a l C o l l e g i a t e A t h l e t i c A s s o c i a t i o n

An association of over 1,200 members serving the student-athlete
Equal Opportunity/Affirmative Action Employer

Chancellor Brady Deaton

February 19, 2013

Page No. 2

Sincerely,

A handwritten signature in blue ink that reads "Rachel Newman Baker". The signature is written in a cursive, flowing style.

Rachel Newman-Baker
Managing Director of Enforcement

RNB:smc

Enclosures

cc: President Donna Shalala
Mr. Michael Slive
NCAA Division I Committee on Infractions
Selected NCAA Staff Members

NOTICE OF ALLEGATIONS

to

Frank Haith

Basketball Allegations

14. [NCAA Bylaw 11.1.2.1]

It is alleged that after June 10, 2010, through the time that his employment ended at the institution in March 2011, Frank Haith (Haith), then head men's basketball coach, failed to promote an atmosphere for compliance within the men's basketball program. Specifically, Haith was aware that Nevin Shapiro (Shapiro), a representative of the institution's athletics interests, threatened that unless Jake Morton (Morton), then assistant men's basketball coach, or Haith provided money to Shapiro, Shapiro would make public a claim that Shapiro provided money to assist in the recruitment of a men's basketball prospective student-athlete. After learning of the threat, Haith failed to alert anyone in the athletics department administration about Shapiro's threat, ask reasonable questions of Morton to ensure that Shapiro's claim lacked merit or disclose the fact that Morton engaged in financial dealings with Shapiro. Rather, Haith gave Morton funds that Morton then provided to Shapiro.



CONFIDENTIAL/VIA ELECTRONIC MAIL

February 19, 2013

P.O. Box 6222

Indianapolis, Indiana 46206

Telephone: 317/917-6222

Shipping/Overnight Address:

1802 Alonzo Watford Sr. Drive

Indianapolis, Indiana 46202

www.ncaa.org

Mr. Frank Haith
c/o Mr. Wally Bley
Bley & Evans LC
1000 West Nifong Boulevard
Building 4, Suite 200
Columbia, Missouri 65203

RE: Notice of allegations, University of Miami (Florida), Case No. M362.

Dear Mr. Haith:

As you know, the NCAA enforcement staff has been reviewing information concerning possible violations of NCAA legislation in the men's basketball program at University of Miami (Florida). It is my understanding that members from the enforcement staff interviewed you October 6, 2011, and September 5 and 25, 2012, concerning these possible violations. As a result of the enforcement staff's review of all information gathered, a notice of allegations that includes specific allegations in the sport of men's basketball has been forwarded to Miami (Florida).

You were named and, therefore, at risk in Allegation No. 14. The purposes of this letter are to (a) provide a copy of this allegation to you, (b) notify you of your opportunities to respond to and participate in the consideration of this allegation and (c) explain possible punitive actions that could be taken if such allegation is found by the NCAA Division I Committee on Infractions or the NCAA Division I Infractions Appeals Committee. You are also receiving copies of all allegations involving the men's basketball program even though you are not named or at risk for those violations because you were the head men's basketball coach at the time that these violations occurred.

The institution currently is preparing a response to these allegations, and I anticipate that an institutional representative will contact you for information. If you desire, you may submit information directly to the Committee on Infractions, and responses from all parties should be on file by May 20, 2013. In addition, a copy of your entire response must be provided to the institution.

Per NCAA Bylaw 32.6.2, failure to respond to an allegation may be construed by the Committee on Infractions as an admission that the alleged violations occurred. For further information about submitting a written response to the Committee on Infractions, please contact Joel McGormley, managing director of the Committees on Infractions. [Note: See attached suggested guidelines for submission of responses.]

N a t i o n a l C o l l e g i a t e A t h l e t i c A s s o c i a t i o n

An association of over 1,200 members serving the student-athlete

Equal Opportunity/Affirmative Action Employer

Four copies of your response should be forwarded to me at the NCAA national office; one copy should be forwarded to each member of the Committee on Infractions; and two copies to Mr. McGormley, at the following addresses. In addition, please email a copy of your response in Microsoft Word or Word Perfect format to Mr. McGormley (jmcgormley@ncaa.org) and Mason Pike, assistant director of enforcement/operations manager (mwpike@ncaa.org).

Mr. Britton Banowsky (Chair)
Commissioner
Conference USA
5201 N. O'Connor Boulevard, Suite 300
Irving, Texas 75039

Mr. John S. Black
Polsinelli & Shughart P.C.
700 West 47th Street, Suite 1000
Kansas City, Missouri 64112

Mr. Greg Christopher
Director of Athletics
Bowling Green State University
Sebo Athletic Center
1610 Stadium Drive
Bowling Green, Ohio 43403

Ms. Melissa Conboy
Deputy Athletic Director
University of Notre Dame
C113 Joyce Center
Notre Dame, Indiana 46556

Mr. Christopher L. Griffin
Attorney
Foley & Lardner LLP
100 North Tampa Street
Suite 2700
Tampa, Florida 33602-5804

Mr. Roscoe C. Howard Jr.
Partner
Andrews Kurth LLP
1350 I Street NW
Suite 1100
Washington, D.C. 20005

Ms. Eleanor W. Myers
Professor of Law
Temple University School of Law
1719 North Broad Street
Klein Hall, Room 624
Philadelphia, Pennsylvania 19122

Mr. James O'Fallon
University of Oregon School of Law
1515 Agate Street
Room 306B
Eugene, Oregon 97403-1221

Ms. Rachel Newman-Baker (four copies)
Managing Director of Enforcement
NCAA Distribution Center
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

Mr. Joel McGormley (two copies)
Managing Director of the Committees
on Infractions
NCAA Distribution Center
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

You (accompanied by personal legal counsel, if desired) have the opportunity to appear before the Committee on Infractions at the time this case is considered. A failure to attend the hearing may result in a violation of Bylaw 32.8.6.1 and result in a show-cause order by the Committee on Infractions, as described in Bylaw 19.5.2-(k), that could affect your athletically related duties (at your current institution or any NCAA member institution at which you are later employed). If you elect not to attend, you must advise the Committee on Infractions in writing at least two weeks prior to the

date the hearing will occur. It is anticipated that the Committee on Infractions will consider your response during a July 2013 meeting in a location to be determined. Please note that the scheduled Committee on Infractions hearing date of June 14-15, 2013, is unlikely due to the response date of May 20, unless all parties, the enforcement staff and Committee on Infractions agree to a shortened response time. You will be notified of the actual appearance time, date and location well in advance of this meeting.

Under the provisions of NCAA legislation, if the Committee on Infractions finds that you were involved in significant violations of NCAA legislation, disciplinary action could be considered and imposed upon you by a member institution for a designated period. Please refer to Bylaws 18.4.2.1.1.2, 19.01.4 and 19.5.2 of the online version of the 2011-12 NCAA Division I Manual. The Manual is available on www.ncaa.org under legislation and governance/rules and bylaws.

You should understand that all of the allegations charged in the notice of allegations are considered to be potential major violations of NCAA legislation, unless designated as secondary violations. If you believe that any alleged violation should be considered a secondary violation, including any specifically identified as a secondary violation by the enforcement staff, the response should indicate why the alleged violation should be considered a secondary violation and you should present information to support that conclusion. Also, if you believe that the enforcement staff has acted contrary to the provisions of the enforcement procedures (Bylaw 32), you are requested to advise the Committee on Infractions of this concern in your response; otherwise, you may forfeit the opportunity to raise this issue on appeal. In that regard, and as you know, the enforcement staff's investigation included actions not consistent with the policies and procedures governing the NCAA enforcement program. While the enforcement staff recently verbally apprised you of the issue, a memorandum detailing the matter will be included in a special folder in the secure website. Please note that the enforcement staff will send a letter under separate cover to the Committee on Infractions (and copy all involved parties) that addresses the specific procedural issue.

Following the hearing, the Committee on Infractions will determine if violations of NCAA legislation have occurred and whether those violations are major or secondary violations. If the Committee on Infractions finds that violations have occurred, then it will determine what penalties are appropriate as provided for in Bylaw 19.5.2.

In making its decision in this case, the Committee on Infractions will consider all of the information submitted by you, the enforcement staff, the institution and all involved parties, and the testimony presented at the infractions hearing. It should be understood that at this juncture, the Committee on Infractions has not received any of the information gathered by the enforcement staff to substantiate that a violation occurred. The only information provided to the Committee on Infractions by the enforcement staff regarding this case will be the allegations (attached), all pertinent interview transcripts available for review through the secure website per Bylaw 32.3.10.2, the enforcement staff case summary per Bylaw 32.6.7 and its hearing presentation per Bylaw 32.8.7.2. If you wish the Committee on Infractions to consider any specific evidence, that information must be included in your response to the notice of allegations. If any additional evidence should come to your attention that was not previously available to you or that was not previously relevant that you believe the Committee on Infractions should consider, that information should be provided to the enforcement staff and the Committee on Infractions at least 10 days prior to the infractions hearing.

Your attention also is directed to Bylaws 32.6 and 32.8, which describe the notice of allegations and the procedures to be followed during an appearance before the Committee on Infractions. In addition, you may wish to review the policies and guidelines set forth in Bylaw 19.4 of the enforcement procedures. Should you have additional questions concerning these procedures, please contact Mr. McGormley. Also, in the event members of the NCAA staff who have been involved in the investigation of this case can be of assistance to you in developing a response, please contact this office for such assistance.

Under the provisions of Bylaw 32.6.4, in preparation for submitting a written response to the notice of allegations or making an in-person appearance before the Committee on Infractions, the enforcement staff will provide reasonable access to all pertinent materials maintained by the staff that corroborate or refute the allegations. These materials may include recordings of interviews and documents that were obtained during the inquiry. Requests for access to such materials should be made to the enforcement staff, which also is responsible for maintaining custody of these materials. Therefore, the staff will provide access at the NCAA national office or on a secure website in the near future. If information is developed subsequent to the notice of allegations concerning you, the staff also will notify you of the availability of this information.

Please note that NCAA enforcement policies and procedures prohibit this office from releasing information concerning this case prior to its conclusion, except to correct erroneous information that is released by others. Accordingly, the NCAA will not release this notice of allegations to the public. Also, please note that an NCAA infractions report concerning this case, which sets forth the Committee on Infractions' findings, conclusions and penalties, if any, will be prepared following the hearing in this case. That document will be released (with names deleted) after the institution and other principals who participate in the hearing have been notified of relevant contents.

Please contact Stephanie Hannah, NCAA director of enforcement (who has supervised the handling of this case), if you have any questions.

Sincerely,



Rachel Newman-Baker
Managing Director of Enforcement

RNB:smc

Enclosures

cc: Mr. Wally Bley
Mr. Michael Buckner
Chancellor Brady Deaton
President Donna Shalala
NCAA Division I Committee on Infractions
Selected NCAA Staff Members

NCAA COMMITTEE ON INFRACTIONS

Suggested Guidelines for Submission of Responses

This memorandum is the Committee on Infractions' suggested format for submitting responses to the notice of allegations. The following suggestions are made:

- The response should be contained in either three-ring loose-leaf or "comb" style binders ("comb" style preferred).
- Responses to the allegations should be separated by numbered tabs corresponding to the allegation numbers in the notice of allegations so as to be easily referenced by the reader.
- Responses should be paginated. It is suggested that each allegation have its own set of page numbers; e.g., page one of the section on allegation 1 would be page 1-1, page 6 of the section on Allegation No. 4 would be page 4-6, etc.
- Each allegation response should contain the allegation itself, the position of the responding party to the allegation (agree or disagree) and the rationale/supporting evidence for the position.
- If there is a large number of supporting attachments/exhibits, they should be placed in a binder separate from the actual response and divided by numbered tabs referenced to the application allegation. Multiple exhibits/attachments in support of individual allegations should be separated, labeled by number and indexed to the respective allegation (e.g., exhibit 1-1 would be the first exhibit in support of Allegation 1). In addition, and for ease of reference at hearings, all pages in exhibits should have page numbers running sequentially. The page numbers may be in sequence throughout all exhibits without regard to a particular exhibit number (e.g., 1 to 10 in exhibit 1, 11 to 17 in exhibit 2) or the page numbers may be in sequence within each exhibit (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.). In the interest of limiting the size of responses and to avoid providing multiple copies of the same documents, only one copy of each exhibit/attachment is required. Any reference to exhibits/attachments throughout the response can be made to the appropriate exhibit number.